



House of Representatives

General Assembly

File No. 475

February Session, 2004

Substitute House Bill No. 5043

House of Representatives, April 6, 2004

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PENALTY FOR ENTICING A MINOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-90a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2004*):

3 (a) A person is guilty of enticing a minor when such person uses an
4 interactive computer service to knowingly persuade, induce, entice or
5 coerce any person under sixteen years of age to engage in prostitution
6 or sexual activity for which the actor may be charged with a criminal
7 offense. For purposes of this section, "interactive computer service"
8 means any information service, system or access software provider
9 that provides or enables computer access by multiple users to a
10 computer server, including specifically a service or system that
11 provides access to the Internet and such systems operated or services
12 offered by libraries or educational institutions.

13 (b) Enticing a minor is a class [A misdemeanor] D felony for a first

- 14 offense, a class [D] C felony for a second offense and a class [C] B
15 felony for any subsequent offense.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Judicial Department (Probation & Adult Services); Correction, Dept.	GF - Cost	Potential	Potential
Resources of the General Fund	GF - Revenue Gain	Less than 5,000	Less than 5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the criminal penalty for enticing a minor over the Internet. In FY 03, there were seven such offenses filed with the court: five of which resulted in convictions or guilty pleas. Two offenders were on probation and no one was incarcerated; one fine was imposed for \$2,000. To the extent that the bill increases the likelihood that offenders will be sentenced to a period of incarceration or lengthier probation, it would result in a cost. Any revenue gain from imposed fines would be minimal.

The annual cost of imprisonment is about \$25,000; the average, annual cost of probation supervision by the Judicial Department's Court Support Services Division is estimated to be \$2,000 (excluding services) to \$3,300 (including services).¹ The increased cost associated with increasing penalties for enticing a minor over the Internet could be minimal (i.e., less than \$50,000) given the relatively few number of offenses. On a cumulative basis over several years, however, the cost could be significant (greater than \$100,000) – depending upon the increased penalty for any single individual.

OLR Bill Analysis

sHB 5043

AN ACT CONCERNING THE PENALTY FOR ENTICING A MINOR**SUMMARY:**

This bill increases, by one level, the criminal penalties for enticing a minor over the Internet. A person commits this crime by using an interactive computer service to knowingly persuade, induce, entice, or coerce anyone under age 16 to engage in prostitution or criminal sexual activity. Under current law, first, second, and subsequent offenses are class A misdemeanors, class D felonies, and class C felonies, respectively. The bill makes them class D, C, and B felonies, respectively.

It defines "interactive computer service" as any information services, system, or access software provider that provides or enables computer access by multiple users to a computer server, including those offered by libraries and schools.

EFFECTIVE DATE: July 1, 2004

BACKGROUND**CRIMINAL PENALTIES**

Class A misdemeanor	Imprisonment for up to one year, fines of up to \$2,000, or both
Class D felony	Imprisonment for one to five years, fines of up to \$5,000, or both
Class C felony	Imprisonment for one to 10 years, fines of up to \$10,000, or both
Class B felony	Imprisonment for one to 20 years, fines of up to \$15,000, or both

¹ It is anticipated that such individuals would be placed on medium-level supervision or higher. The averages include direct and indirect (overhead) costs to the Judicial Department, in addition to fringe benefits.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0